

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.  
**PCT/IB97/00887**INTERNATIONAL FILING DATE  
**17 July 1997**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR)

**101009,138***JK*PRIORITY DATE CLAIMED  
**25 July 1996**

## TITLE OF INVENTION

**A FLEXIBLE ANNULAR STAPLER FOR CLOSED SURGERY of HOLLOW ORGANS**APPLICANT(S) FOR DO/EO/US  
**HAVIV TOLEDANO**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required. as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  A copy of the International Search Report (PCT/ISA/210).
8.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made: however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
9.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 18 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16.  A substitute specification.
17.  A change of power of attorney and/or address letter.
18.  Certificate of Mailing by Express Mail
19.  Other items or information:

U.S. APPLICATION NO. (IF KNOWN, SEE CFR

INTERNATIONAL APPLICATION NO.

PCT/IB97/00887

ATTORNEY'S DOCKET NUMBER

20. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

<input type="checkbox"/> Search Report has been prepared by the EPO or JPO .....	\$ 890.00
<input checked="" type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) .....	\$ 710.00
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....	\$ 740.00
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$ 1,040.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....	\$ 100.00

**CALCULATIONS PTO USE ONLY****ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 710.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).

 20     30

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	15-20 =	< 0	x \$18.00	\$ 0.00
Independent claims	3-3 =	0	x \$ 84.00	\$ 0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 840.00</b>
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).			<input checked="" type="checkbox"/>	\$ 420.00
<b>SUBTOTAL =</b>				<b>\$ 420.00</b>
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).			<input type="checkbox"/> 20 <input type="checkbox"/> 30 +	\$ 0.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 420.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input type="checkbox"/>	\$ 0.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 420.00</b>
				Amount to be: \$
				refunded
				charged \$

 Payment of the amount of \$ 420 by money-order. Copy of the mandater receipt is attached. Please charge my Deposit Account No. in the amount of to cover the above fees. A duplicate copy of this sheet is enclosed. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

TOLEDANO Haviv  
 C/O METZMAN David  
 693 Downing Street  
 Teaneck - NJ 07666 - USA

SIGNATURE

Haviv Toledano (Applicant/Inventor)

NAME

DATE

November 10, 2001

DATE

La POSTE

MANDAT INTERNATIONAL

USA

PAYS DE DESTINATION

EXPRESS

AUTRE - non urgent

Ecrivez en majuscules, lisez bien les précisions figurant au verso ↴

Pré du dépôt

Le 7.01.08

MONTANT

Montant à transférer

Montant en chiffres

/420,00/

Devise

USD

QUATRE CENT VINGT DOLLAR USA

Montant en lettres

EXPEDITEUR

Madame

Mademoiselle

Monsieur

TOLEDANO

Nom de l'expéditeur (ou raison sociale de l'entreprise)

HANIV

Prénoms

Adresse (pour remboursement du mandat en France en cas de non paiement)

19 RUE LEON GIRAUD

75019 PARIS

Code postal

Ville

+33 1 42020723

Numéro de téléphone (pour vous joindre en cas de problème)

BENEFICIAIRE

Madame

Mademoiselle

Monsieur

COMMISSIONER OF PATENTS AND TRADEMARKS

Nom du bénéficiaire (ou raison sociale de l'entreprise)

TRIAD MARKS

Prénoms

PAIEMENT EN ESPECES

Adresse du bénéficiaire

WASHINGTON DC 20231

Ville

USA

Code postal

Région ou état

VERSEMENT SUR UN COMPTE POSTAL (non admis en express) : Centre de chèques :

Compte du bénéficiaire

MESSAGE A TRANSMETTRE AU BENEFICIAIRE (admis selon les pays, se renseigner au guichet)

FEE FOR NEW DIVISIONAL APPLIC.  
OF PCT/IB/97/001887 SENT BY MAIL TODAY

OPTION EXPRESS : Notification au bénéficiaire par :  Fax  Téléphone  E-mail (voir au verso)

PAYS : AMERIQUE (ETATS-UNIS)

Bureau	Date	Numéro	Catégorie	Montant transféré	Montant déposé	Service
756960	14/11/01	0102	ESPE	420,00 USD	3 166,70 FRF	482,76 EUR
					Frais	
					107,00 FRF	16,31 EUR
					Taxe	
					0,00 FRF	0,00 EUR

1 EUR = 6,569570 FRF

TOTAL PERCU

3 273,70 FRF

499,07 EUR

1 EUR = 0,870016 GBP

FRANCAIS OPERA

Cadre réservé aux opérations manuelles

Bureau	Date	Numéro	Catégorie	Montant transféré	Montant déposé en FF	En Euros
					Frais	
					TOTAL PERCU	

SIREN 356 000 000 RCS NANTERRE

RECEPISSE A REMETTRE AU CLIENT

Haviv TOLEDANO  
29, Avenue de Laumière  
75019 Paris - FRANCE

Paris, May 16, 2002

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231 - USA

Dear Sir,

- 1) This is a copy of Correspondence that was mailed to the USPTO on November 14, 2001. This Correspondence was sent from Paris by first class certified mail with acknowledgement receipt, as evidenced by the (French) Certificate of mailing enclosed herewith.  
The acknowledgement receipt of this certified mail was never sent back to me.  
I've complained for this non-reception (of the acknowledgement receipt) in the postal office in Paris in January 18, 2002, as evidenced by the Complaint reception lettre whose copy is enclosed herewith.

- 2) Please find enclosed another check (number

J 487227 payable in Bank of New York) on the amount of 420 USD for payment of the filing fee as a small entity.

A previous title of payment in the same amount (by check n° 017921258 of the CITIBANK in Buffalo) sent by the USPTO seems neither never been received in the USPTO.

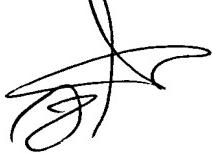
Indeed, the USPTO customer service with which I was in contact during several weeks in this matter, wasn't able locating this file, nor the check. (It seems that the events with Authrox are at the origin.)

A copy of my correspondence with the USPTO customer service in this matter is also enclosed.

- 3) Finally, the Officer of USPTO is respectfully requested to send me back one of these two checks (if both of them were received in the USPTO), in order to avoid double charging.

Sincerely

Harir TOLEDO (Applicant/inventor)



COPY OF THE (FRENCH) CERTIFICATE OF MAILING

date of complaint (18 Jan 02)

Certified Mail

LA POSTE

la classeation faita le 18.102. RECOMMANDÉ

FICHE DE DÉPÔT D'UN ENVOI INTERNATIONAL

AVEC VALEUR DÉCLARÉE

A remplir par l'expéditeur

Destinataire : Box PATENT APPLICATION

Assistant Commissioner of Patents  
Washington, D.C. 20231



Localité

Pays USA

Réserve au service

75019 PARIS LAUMIERE

étiquette

date N°

76.00FRF  
11.59EUR

AR

PR

19H

vd

Nature

signature de l'agent

517/517 bis

510

07112

0321g

ES

Poids

crbt

VOIR AU DOS

RCS Nanterre B 351 000 000

date of mailing (14 Nov, 2002)

First class.

Acknowledgement Receipt

Number of Certified Mail

COMPLAINT RECEPTION LETTER

**LA POSTE** 

**LA POSTE PARIS LAUMIERE**  
10 Avenue Laumière  
75 935 PARIS CEDEX 19  
 01 53 38 62 00  
Fax 01 53 38 62 17

Paris, le 21 janvier 2002

Votre correspondant : B.CHOTIL  
Réf: LAU 72

Mr TOLEDANO HAVIN  
29 Avenue Laumière  
75 019 PARIS

Monsieur,

J'accuse réception de votre réclamation au sujet d'une lettre recommandée envoyée de notre bureau en service prioritaire le 14 novembre dernier et jamais parvenu semble t'il au destinataire à Washington aux USA.

*14 November 2001.*

*certified mail*

Les réclamations pour des envois à destination de l'étranger sont traitées par notre service clientèle situé à Libourne.

J'envoie dès aujourd'hui la votre dans ce service qui vous tiendra prochainement informé du résultat de ses recherches.

Dans cette attente et vous en remerciant, je vous prie d'agréer, Monsieur, l'assurance de mes salutations distinguées



La Responsable Clientèle Local  
Brigitte CHOTIL

COPY OF CORRESPONDENCE WITH USPTO CUSTOMER SERVICES

29 Apr, 2002

FROM: Mr. Hervé TOLEDANO

Tel/Fax (+) 33-1-42.02.07.23

TO : Mr Valery KINARD  
USPTO Supervisor

Fax: (+) 1-703.308.7749

This fax Contains Six (6) pages including this one

Dear Sir,

Please find enclosed, a copy of my correspondence to Miss STOKE (USPTO), concerning a new divisional application sent to the USPTO (Box Patent application) on November 2001 from Paris.

I have not received any confirmation of reception of this new divisional application from the USPTO.

Could you please inform me about "What shall I do?" .

Sincerely yours

H. TOLEDANO

FROM: Dr TOLEDANO Haviv

TEL /FAX (+) 33-1-42.02.07.23

To : USPTO - Miss STOKE

FAX (+) 1.703.308.7751

This Fax Contains Six (6) pages including  
Cover sheet.

(Please inform me if all pages hasn't been received)

Haviv TOLEDANO  
29, Av. de Laumiere  
75019 Paris - FRANCE  
Tel (+) 33-1-42.02.07.23

Paris, 11 April 2002

Miss STOKE  
USPTO - Washington D.C. 20231 - USA  
Fax : (+) 1. 703. 308. 7751.

RE: - New Divisional Appl. of PCT/IB97/00887 (US 09/846,362)  
sent by Registered Mail on 14, November 2001  
(Title: A Flexible Annular Stapler for Closed Surgery of Hollow Organs)  
- Filing fee in the amount of 420 US\$ transmitted by money-order at the same date (14, Nov. 2001) to Commissioner of Patents and Trademarks in Washington D.C. 20231.

Dear Miss,

This is further to my previous Fax of 20 March 02 and to our phone conversation concerning the above mentioned money-order, which seems being lost ???

I here bellow gives you the information and details of that money-order, sent from Paris-Opera post office (separately from the application which was sent by registered mail at the same date : 14 Nov 2001).

- The beneficiary of that money order - as said earlier - is the Commissioner of Patents and trademarks.
- The date of sending from Paris was: 14 November 2001
- The sending office is the French Post Office ("la Poste").
- The intermediate banking office is the CITI BANK
- The CITI BANK (Transfer Cheque detail) in BUFFALO (USA), has sent a first cheque express in the amount of 420 USD by post to the Commissioner of Patents and Trademarks in Washington D.C. 20231.
- Since, this first cheque was not cashed by the Commissioner of Patents at the date 08 Jan 02, the CITI BANK (after my complaint) has cancelled this first check and has emitted a second one in the same amount (420 USD.), at the date of 15 January 02. This second cheque express was sent again to the Commissioner of Patents and Trademarks in Washington D.C. 20231 -by post.  
The number of this second (cashedable) cheque express of the CITI BANK is 017921258
- you will find enclosed to this fax, the CITI BANK transaction documents in this case.  
I hope that this information will enable finding this check.

Sincerely yours,  
H. TOLERATINS

**CITIBANK**

DSC Operations "Making Quality Happen"

# Facsimile Transmittal

**To:** M TOLEDANO      **Fax:** 0033 1 42 02 07 23  
**From:** Niamh Nestor - Worldlink      **Date:** 11 APR 02  
**Re:** \_\_\_\_\_      **Pages:** 3  
**CC:** \_\_\_\_\_

Urgent     For Review     Please Comment     Please Reply     Please Recycle

"This fax is confidential and may also be privileged. If you are not the intended recipient, please notify us immediately. You should not copy it or use it for any purpose, nor disclose its contents to any other person."

A l'attention de M Toledano

Monsieur

Veuillez trouver ci-dessous la copie du chèque que l'on a envoyé selon vos instructions le 15 janvier 2002.

Translation:

Please find attached a copy of the details for your cheque nbr 017921258. As per your instructions, this cheque was printed and sent (by post) to your beneficiary on 15<sup>th</sup> January 2002.

Veuillez me contacter si nécessaire pour toutes informations complémentaires.

Sincères salutations,

Niamh Nestor

01 49 06 19 28 (tel) or (+) 353 1 622 2000 (tel)  
 0033 1 6229262 (fax)  
[niamh.nestor@citicorp.com](mailto:niamh.nestor@citicorp.com)  
 Worldlink Client Services

ge: 1 Document Name: untitled

CXM030A

## CITIBANK - TRANSFER CHEQUE DETAIL

11 APR 02 05:41:42

CLIENT: 24373 3000 LA POSTE-XC  
 SERIAL NO -----TRN----- AMOUNT----- CCY REF NO STATUS EFFECT  
 017921258 87988102011164 420.00 USD 496596714 ISSUED 15JAN02

-----BENEFICIARY-----  
 COMMISSIONER OF PATENTS AND TRADE

-----ORDERING PARTY-----  
 TOLEDANO HAVIV  
 19 RUE LEON GIRAUD  
 75019 PARIS

-----MAILING ADDRESS-----  
 COMMISSIONER OF PATENTS AND TRADE  
 MARKS

VALUE DATE: 15 JAN 02  
 ORDER AMOUNT:  
 EXCHANGE RATE:  
 CHARGE AMOUNT:  
 REISSUE: REPLACE #:  
 BANK ACCT:  
 MAIL TO DEST: EUR PAY AT:

WASHINGTON DC 20231

US  
 BATCH: 73987 SEQ: 00042 ICN: 9270041  
 9X:  
 <PF4>RETURN <PF5>PAYMENT DETAIL <PA1>MENU

age: 1 Document Name: untitled

MCM131

CITIBANK - ITEM DETAIL

11 APR 02 05:41:37

CLIENT: 24373 LA POSTE-XC  
BRANCH: 3000 LA POSTE-XC

SERIAL NO: 017921258  
TRN: 87988102011164  
GLOBAL ID:  
AMOUNT : 420.00  
CURRENCY: USDD 02000  
PRODUCT: XC

REF. NO. 496596714 -----STATUS---- ISSUED EFFECTIVE  
15 JAN 02

REFERENCE: \_\_\_\_\_

PF1>FORWARD <PF3>PROCESS <PF4>RETURN <PF5>HISTORY  
PF6>CHEQUE DETAIL <PF9>CLIENT ADDR <PF10>BRANCH ADDR <PA1>MENU  
\_ ACTION: P/HOTOCOPY, S/TOP(VALUE), N/STOP(INVENTORY), V/OID, G/UAR PAY,  
Z/REVERSAL, I/NDEMNITY RCVD